REMARKS

This amendment is being filed in response to the Office Action mailed January 27, 2005. In that Office Action, the abstract was objected to based on its length and claims 1-45 were rejected on prior art grounds. Other more formalistic objections were made as discussed below. Claims 14, 20, and 27-45 are being amended.

Abstract of the Disclosure

A replacement abstract of less than 150 words is included in this amendment.

Claim Objections

Claims 27-45 stand objected to for the use of the terminology "A radio system." Amendments to dependent claims 27-42, 44, and 45 have been made to address this objection.

Claim Rejections under 35 U.S.C. § 112

Claim 42 stands rejected under 35 U.S.C. § 112, second paragraph, on the basis that the claim recites that the "advertisement can be confirmed" (emphasis added). This phrase appears in the claim in a whereby clause that was not intended to operate as a positive limitation of the claim. Accordingly, this phrase has been removed from claim 42. Similar changes to claims 14 and 20 have been made to address this rejection by the Examiner.

Claims 1-13, 16-19, and 26-41

Claims 1-13, 16-19, and 26-41 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Dimitriadis. The rejection is respectfully traversed for the reasons discussed below.

Claim 1 recites a method of delivering advertising content using a vehicle radio in which the radio advertisement is received and stored in memory and then a radio broadcast stream is then monitored for marker data that indicates the presence of an

advertising slot in the radio broadcast stream. The radio broadcast stream is played via the vehicle radio with the stored radio advertisement being played via the radio during the advertising slot. This enables the vehicle radio to be used to play any of a number of different channels of music, news, or other content with stored advertisements being inserted into pre-selected slots within the streams of content.

This combination of claimed features is not taught or suggested by Dimitriadis. Rather, in the system disclosed by Dimitriadis, advertising is played only in response to either 1) a command from a separate data broadcast stream, or 2) based on extraneous current conditions determined at the vehicle (e.g., geographic location, time of day, operational status such as device power-up). More specifically, as described in Dimitriadis, stored advertising is presented using either of two different processes that are carried out by the vehicle device 40. The first is shown in Fig. 6 where the paging data packets of the incoming data broadcast 26 (which is handled by data radio 62) are examined to see if they contain a command or advertising to be stored. If it is a command, then it is executed at step 616. As shown in Fig. 5 at 500c and discussed in the patent, the available commands include a PRESENT command in which a specific advertisement is identified for presentation using the advertisement's unique INDEX. The second process used by the device 40 of Dimitriadis is shown in Fig. 8 which is a background process that continually monitors current conditions (described in the patent as geographic location, time of day, power-up) and, if a current condition is detected that matches a similar criteria for a particular stored advertisement, then the advertisement is delivered to an advertisement presentation block 104 for presentation.

There is nothing discussed in Dimitriadis about using marker data or any other feature of the radio broadcast stream (voice broadcast 22) to initiate the presentation of an advertisement. Rather, as discussed above, in Dimitriadis this comes about only from either a command in the advertising stream (data broadcast 26) or based on a background process that monitors conditions at the vehicle. Furthermore, Dimitriadis nowhere mentions or appears to even attempt to coordinate the presentation of an advertisement with the content of the regular radio broadcast.

The above discussion applies also to independent claim 26 which recites a first radio broadcast stream containing radio advertisements and a second radio broadcast stream containing audio content and advertising slots identified by a marker in the broadcast stream. It further recites an advertising control unit that, when a marker is received, accesses one of the stored radio advertisements that is then inserted into the advertising slot identified by the marker. Again, this is not disclosed or suggested by Dimitriadis.

Accordingly, Applicant respectfully submits that independent claims 1 and 26 are not anticipated or rendered obvious by Dimitriadis. Allowance of these claims is therefore requested. Claims 2-25 and 27-42 each ultimately depend from either claim 1 or 26 and should be allowed therewith.

Claims 14, 15, 20, and 42-45

Claims 14, 15, 20 and 42-45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Dimitriadis in view of Hite. This rejection is traversed for the reasons discussed below.

As to claims 14, 15, 20, and 42 that each depend from either claim 1 or 26, the Examiner is correct that Hite discloses an approach for providing an upstream confirmation that an advertisement was played. However, this rejection was on the basis that Dimitriadis taught the features of the base claim and any intervening claims and, as discussed above, Dimitriadis does not in fact teach or suggest the features of claims 1 and 26. Accordingly, these claims 14, 15, 20, and 42 are believed to be allowable over the combination of Dimitriadis and Hite.

With respect to claims 43-45, independent claim 43 has been amended to specify the use of primary selection data for determining which received advertising should be stored at the vehicle and the use of secondary selection data for determining which stored advertising should be inserted into the radio broadcast stream. It further specifies that the primary selection data used to determine which advertisements should be stored includes data concerning either the vehicle or a user of the vehicle, or both. These features are

nowhere taught or suggested by either Dimitriadis or Hite. Rather, in those prior art systems, the received advertisements are stored either based on being addressed specifically to the particular end user device or based on a matching code (CID).
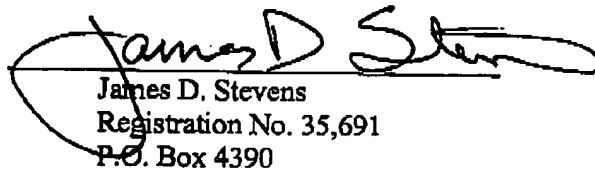
Accordingly, Applicants respectfully submit that claim 43 is not rendered obvious by the combination of Dimitriadis and Hite. Claims 44 and 45 each depend from claim 43 and should be allowed therewith.

In view of the foregoing, Applicants respectfully submit that all claims are allowable over the prior art. Reconsideration is therefore requested. The Examiner is invited to telephone the undersigned if doing so would advance prosecution of this case.

The Commissioner is hereby authorized to charge Deposit Account No. 50-0852 for any required fees, or credit any overpayment associated with this communication.

<div align="center">Respectfully submitted,

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Date: April 27, 2005
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